

TIVERTON HARBOR COMMISSION

*TOWN OF TIVERTON RHODE ISLAND
343 HIGHLAND ROAD
TIVERTON RHODE ISLAND 02878*

MINUTES OF MEETING

April 6, 2009

Meeting was held at its usual venue, Tiverton Community Center, 246 Hooper Avenue, in North Tiverton.

Present were members John McEwing, David Stewart, Harris Gruber, Bob Dixon, Roger Winiarski, and Frank diMauro.

Also present were residents Charlie Smith, 128 Riverside Drive, and Bruce H. Cox, 35 Sunset View Drive ; Mr. Cox will be applying for membership on the Harbor Commission, representing "riparian owners". Harbormaster Phil LaPointe was also present for the first part of the meeting.

Chairman John McEwing called the meeting to order at 7:33 PM.

Due to Harbormaster Phil LaPointe's having to depart early, it was agreed to receive his report as the first item on the evening's agenda.

HARBORMASTER'S REPORT:

1 - At a recently held meeting of the Sakonnet Bridge Replacement Committee, it was announced that regarding repairs about to be undertaken on the existing Sakonnet River Bridge, a clearance zone of some 800', north and south of the existing bridge will shortly be put into effect. This zone will be delineated in the USCG's Notice to Mariners; a bound copy of same was shown to members; copies of same were requested for each member.

This zone will be marked on the waters by yellow buoys . Moorings in the affected areas will be moved and replaced upon completion of work at no expense to owners. New, temporary mooring locations were not specified. It is anticipated that very few moorings will be affected, perhaps only two or three. Ingress and egress for riparian owners and dock residents within the affected area will be close to the shore until reaching the next fairway, beyond the 800' mark, then work their vessels east and west therefrom, until reaching the main channel or the alongshore access to their docks or moorings (any allowed during this period). Tiverton Police will have control authority.

Other changes in navigation rules may be implemented during the period of bridge restoration. A motion was made and seconded and carried unanimously to send an information letter to all residents of Riverside Drive to forewarn them of the upcoming construction activity and presence of heavy barges in the immediate area, as well as the Ingress and Egress restrictions. It was mentioned that Portsmouth has a new Harbormaster, ?named Jake?, and that we should be in contact with him in an effort to coordinate activities during the bridge construction period. No action taken.

A detailed, printed piece, with diagrams describing the limits and ?special regulations? pertinent to the project was shown around; Harris Gruber requested copies of same for each HC member and that a copy be posted at Town Hall.

2 - Current Mooring Lists and Mooring Waiting Lists: HM LaPointe presented lists of permit holders dated August 2008; he said that these lists were on file at Town Hall, but recent inquiries at Town Hall by Harris Gruber yielded no such records (see 3/2 minutes). A Mooring Waiting List was also presented, but included only those waiting for mooring spaces within the Tiverton Basin. Harris Gruber inquired about waiting lists for other mooring areas and was told there were no lists, even though, reportedly, only two or three applications were in hand for other mooring areas. Harris Gruber also asked about Mooring Inspection Reports; it seems that, upon filling out each year's application, each mooring owner must aver that his mooring gear has been inspected, either by him/her, or a commercial firm, within required regulations, and found satisfactory. Harris Gruber voiced dissatisfaction with the record-keeping and suggested that a monthly report be made, in writing, to the Harbor Commission, naming new mooring applicants and new mooring assignments. It was also requested that a copy of each application and each assignment be presented to the Harbor Commission monthly and that the related lists be posted in a conspicuous place at Town Hall for easy access by residents and Town officials. Discussion ensued and it was strongly recommended by Bob Dixon that all this information, including dates of permit issuance or application, be posted on the Town website for easy access for all interested parties, including mooring permit holders and mooring applicants. In additon, Bob Dixon strongly suggested that another list be posted, to include anticipated mooring vacancies, to enable better distribution of existing mooring equipment already in place. A MOTION to this effect was made and seconded and carried unanimously.

Discussion then centered around the actual number of moorings assigned at this time. Though uncertain about the actual numbers, the HM reported that there are 216 private moorings, 98 commercial moorings and another 22-24 moorings assigned by the State of RI to Starwoods condos, in the north area. From previous discussions at earlier regular Harbor Commission meetings, these numbers do not accurately represent the actual number of moorings in place in Tiverton waters during the season.

Additional discussion on the matter focused on ways and means of better patrolling the mooring areas, inspecting moorings and boats for names and stickers that correspond to each other, in accordance with Harbor Commission regulations, the same as required in other RI towns.

4 - Regarding the derelict boat on the rocks along Main Road, south of the Getty gas station, the "apparent" owner, one Brian Helger, denies ownership of the vessel. The Harbormaster reports that there appears to be no Bill of Sale in existence to prove otherwise. The Town Attorney is being consulted in the matter to see which ordinance(s) may most appropriately apply. In the meantime, Lt. Jones of the Tiverton Police Department will approach the most recent registered owner of the vessel. There is apparently an April 16 arraignment date set for the ?former? owner to answer in the matter. The vessel is now JUNK and ABANDONED and is thus under the jurisdiction of the Tiverton Harbormaster.

5 - Another DERELICT, JUNK, ABANDONED vessel, a 14-17 foot outboard boat, which was abandoned in the vicinity of the Standish Boat Yard is still there, despite numerous requests and prospective arrangements to get the DPW to remove same. No action taken.

6 - Charlie Smith reported, again, that he thinks there are several illegal moorings in the vicinity of the Starwoods condos. One such mooring, apparently owned by someone named Peccicik is to be sent a letter by the Harbormaster, directing immediate removal.

7 - David Stewart asked the Harbormaster what the final date was for Mooring Permit Holders to notify the Harbormaster of their intentions for the current year? Answer was indeterminate.

*8 - Harbormaster attested that last year, the patrol boat performed 100 hours of on-duty service. A discussion ensued, in which it was variously agreed to that this extremely low level of harbor patrolling was virtually *no* oversight at all. No action taken. Harris Gruber remarked that it was obvious that, considering how little money is currently available from the Town budget for harbor patrol and equipment purchase and maintenance, that it was critical to seriously consider enlisting volunteer personnel to perform some of the workload of the Harbormaster. Harris Gruber also pointed out that additional boats could probably be obtained through various tax donation activities; Bob Dixon pointed out that, through businesses like his (marine electronics), there is often second-hand marine equipment available at little or no cost, without any warranties, but which would be eminently suitable for our use.*

Bob Dixon reported that there may be government grant programs available for procuring new equipment, but that the accompanying stipulations as to maintenance of equipment and additional staffing are often excessively burdensome, to the point where

these programs are probably unworkable for the Town.

9 - The Harbormaster patrol boat will be launched and ready for use by May 1.

Upon the Harbormaster's departure from the Meeting, it was disclosed that one new applicant for the Harbormaster's job had been brushed off at the Town Clerk's office, saying that they had no information.

CORRESPONDENCE:

None incoming.

Outgoing: Harris Gruber and John McEwing have drafted a letter to the USCG Marine Safety Office in East Providence, regarding debris in the form of floating tire breakwater parts that have been washing up on Tiverton's shores. Information received from various sources suggests that these devices are coming loose from Borden Light Marina in Fall River. The draft was read aloud and will be finalized by Chairman McEwing, for transmittal to the Coast Guard for action.

NEW BUSINESS:

1 -IMPORTANT NOTE: Mooring permit fees have been raised for the Town of Tiverton. The former Private mooring fee has apparently been raised from \$40 annually to \$50 annually, for the first mooring, \$80 for additional permits; Commercial mooring fees have apparently remained at \$300 annually, as have Non-Resident fees.

*IMPORTANT NOTE: It was remarked by all members that *no* consultation nor notice of *any* kind was given to the Harbor Commission, as is required by Town ordinances. The first we knew of it was when we read it in the newspapers. Chairman McEwing will commence pointed dialog with Town officials in this matter.*

*2 - IMPORTANT NOTE: It is apparent that the Town budget for the Harbormaster and Harbor Commission activities has now been reduced from \$18,000 annually to \$13,000 annually, *also* with *no* consultation or notice with or to the Harbor Commission. It was pointed out that the income from mooring fees is not only increasing, but will now increase further, due to mooring fee increases, further exacerbating the situation. Chairman McEwing will commence pointed dialog with Town officials in this matter.*

3 - Guest Bruce Cox, a shoreline resident in the Nanaquaket Pond area, has expressed interest in joining the Harbor Commission. He is an attorney in Providence and has lived here for two years, formerly residing in Bristol.

CONSTRUCTION REPORT:

IMPORTANT NOTE: None. Contrary to Town regulations, there have been no reports in recent years from the Town Administrator, the Town Building Inspector or any other Town authorities regarding the requirement to seek consultation from the Harbor Commission on any construction or renovations of any properties within two hundred (200) feet of the Mean High Water Mark, as required by Coastal Resource Management Council regulations.

An extended discussion on the matter ensued. Members questioned just how the process for these projects took place. It was presumed that, first, an applicant would have to have an engineer, sometimes a marine engineer, to flesh out a plan to encompass his general plan, to ensure compliance with DEM, CRMC, Federal, State and Town regulations. The Building Inspector would have to be consulted, sometimes the Planning Board and, in the case of projects to be executed within two hundred (200) feet of the Mean High Water Mark, THE TIVERTON HARBOR COMMISSION. Chairman McEwing will commence a pointed dialog with Town officials on this matter. Member Frank diMauro, the Planning Board representative on the Harbor Commission, will broach the subject with the Planning Board.

OLD BUSINESS:

1 - APPLICANTS FOR HARBORMASTER JOB:

*One reported, so far, but *no* notice of same to Harbor Commission, whose prerogative it is to interview *all* applicants for the position, *before* a decision is made by the Town Council. Reportedly, one applicant was told at the Town Clerk's office that they had no information about the job.*

2 - Regarding our efforts to revise the Harbor Management Plan, Chairman McEwing will phone Kevin Cute at CRMC to discuss the status of the plan submitted last year for CRMC approval.

3 - Member Roger Winiarski has requested that one of his long-term moorings has been removed or dropped or otherwise disposed of by the Tiverton Yacht Club. Repeated efforts on his part to recover same have been unsuccessful, for a number of years. He is requesting action/assistance from the Town for same. The mooring in question is mooring number D-6. Chairman McEwing will speak with the Harbormaster about the matter.

Meeting was adjourned at 10:31 PM.

Respectfully submitted -

Harris Gruber, Secretary

